

ESTTA Tracking number: **ESTTA558474**Filing date: **09/09/2013**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Paramount Farms International LLC
Granted to Date of previous extension	09/18/2013
Address	11444 W. Olympic Blvd. Los Angeles, CA 90064 UNITED STATES
Attorney information	JESSIE REIDER ROLL LAW GROUP PC 11444 W OLYMPIC BLVD LOS ANGELES, CA 90064 UNITED STATES jreider@roll.com, mriviera@roll.com

Applicant Information

Application No	85790020	Publication date	05/21/2013
Opposition Filing Date	09/09/2013	Opposition Period Ends	09/18/2013
Applicant	Borquez Almada, Pablo Av. San Alberto Sur 28 B Col San Alberto Sonora, 83680 MEXICO		

Goods/Services Affected by Opposition

Class 031. First Use: 2012/07/01 First Use In Commerce: 2012/07/01 All goods and services in the class are opposed, namely: Fresh asparagus; Fresh grapes
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2761540	Application Date	11/21/2002
Registration Date	09/09/2003	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 029. First use: First Use: 1990/01/22 First Use In Commerce: 1990/01/22 processed edible nuts Class 031. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 fresh citrus fruits and fresh fruits
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U.S. Registration No.	3986399	Application Date	09/25/2009
Registration Date	06/28/2011	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a circle with the design of a tree planted in the ground therein.		
Goods/Services	Class 029. First use: First Use: 2011/02/04 First Use In Commerce: 2011/02/04 Prepared nuts; Processed nuts; Roasted nuts; Seasoned nuts; Shelled nuts		

Attachments	TREE DESIGN ONLY Notice of Opp.pdf(224309 bytes)
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Certificate of Service

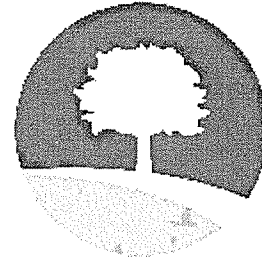
The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jkr/
Name	JESSIE REIDER
Date	09/09/2013

2. Opposer owns many trademarks, including but not limited to, the following distinctive design trademarks (“Paramount Tree Marks”):



Reg. No. 2,761,540 in Classes 29 and 31



Reg. No. 3,986,399 in Class 29

3. Opposer’s registrations are valid, subsisting, and owned by Opposer.
4. Opposer’s registration Number 2761540 is incontestable.
5. Opposer has sold millions of dollars worth of goods in connection with the Paramount Tree Marks.
6. By virtue of the popularity of Opposer’s goods offered in connection with the Paramount Tree Marks, Opposer has built and owns extremely valuable goodwill symbolized by, and associated with, the Paramount Tree Marks.
7. In his Application, Applicant applied for registration of the Almada Tree Mark in International Class 31 with the description of goods as “[f]resh asparagus; [f]resh grapes.”
8. Applicant’s application to register and claimed use of the Almada Tree Mark for fresh asparagus and fresh grapes International Class 31 (“Applicant’s Goods”) is without Opposer’s consent or permission.
9. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant made actual use of the Almada Tree Mark prior to the July 1, 2012 “first use” date identified in Application Serial No. 85/790,020.
10. Opposer timely filed an Extension of Time to Oppose the Application with the

Trademark Trial and Appeal Board on June 13, 2013, and the Extension request was granted. An opposition to the Application must be filed by September 18, 2013. Therefore, this Notice of Opposition is being timely filed.

11. Opposer has rights in and to the Paramount Tree Marks long prior to the first actual or constructive use of the Almada Tree Mark.

12. The Almada Tree Mark so resembles the Paramount Tree Marks as to be likely, when used on or in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), as amended. The Almada Tree Mark also conveys the same commercial impression as the Paramount Tree Marks.

13. Applicant's Goods are similar and related to the goods used in connection with the Paramount Tree Marks. Applicant's use and registration of the Almada Tree Mark in connection with the Applicant's Goods is likely to cause confusion, deception and/or mistake among the relevant public.

14. The purchasing public is likely to be led to believe that goods bearing the Almada Tree Mark emanate from or are approved, licensed, sponsored by, or in some other way legitimately connected with or affiliated with, Opposer or that Applicant and its business are owned by or are affiliated with Opposer and its business.

15. If Applicant is permitted to use the Almada Tree Mark as specified in the Application, confusion in trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the Almada Tree Mark and the Paramount Tree Marks. Consumers familiar with the Paramount Tree Marks would be likely to believe Applicant's goods are provided by Opposer or provided with Opposer's authorization or

approval. Furthermore, any defect, objection or fault found with Applicant's goods sold under the Almada Tree Mark would necessarily injure Opposer's reputation and the goodwill Opposer has established in the Paramount Tree Marks.

16. Opposer believes it will be damaged by registration of the Almada Tree Mark because such registration would give Applicant at least a prima facie exclusive right to use the Almada Tree Mark in commerce in the United States, in derogation of Opposer's senior rights in the Paramount Tree Marks.

17. Applicant's use and registration of the Almada Tree Mark will damage Opposer, its business and its goodwill.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application Serial No. 85/790,020 be denied registration and that such other and further relief as is deemed just and proper be granted.

Please debit our Deposit Account No. 502934 for the \$300 filing fee and for any additional necessary fees.

Please address all correspondence to Jessie K. Reider, Esq., Intellectual Property Counsel at Roll Law Group P.C., 11444 West Olympic Boulevard, Los Angeles, CA 90064.

Respectfully Submitted,

Date: September 9, 2013

Paramount Farms International LLC

By: _____

Jessie K. Reider, Esq.

ROLL LAW GROUP P.C.

11444 West Olympic Blvd.

Los Angeles, California 90064

Tel. (310) 966-8632

Fax (310) 966-8100

Attorney for Opposer

CERTIFICATE OF SERVICE

I, Mark Rivera, hereby certify that a copy of this NOTICE OF OPPOSITION has been served upon Applicant at the correspondence address of record:

Pablo Borquez Almada
Av. San Alberto Sur 28 B Col San Alberto
Sonora 83680
Mexico

by first class mail, postage prepaid, on this 9th day of September, 2013.

By: 

Mark Rivera
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